

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
v.)
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)
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) No. 3:17-cr-124
)
) Chief Judge Crenshaw
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)
 [3] BRANDON DURELL HARDISON) Magistrate Judge Newbern
 a/k/a “Creep”)

**GOVERNMENT'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
PRE-TRIAL DETENTION AS TO BRANDON HARDISON**

The United States of America, by and through its attorney, the Acting United States Attorney for the Middle District of Tennessee, respectfully files this supplemental memorandum in support of pre-trial detention as to defendant Brandon Hardison, in order to provide the Court with additional information regarding the specific charges against Hardison, as well as information regarding the serious danger to the community and risk of flight Hardison poses if he were released from custody pending trial in this case.

I. Charges and Gang Affiliation

Hardison is charged in this case with Conspiracy to Commit Racketeering Activity, in violation of 18 U.S.C. § 1962(d) (Count One); two counts of Murder in Aid of Racketeering, in violation of 18 U.S.C. § 1959(a)(1) (Counts Three and Five); Causing Death Through the Use of a Firearm, in violation of 18 U.S.C. § 924(j) (Counts Four and Six); Tampering with a Witness, Victim, or Informant by Killing or Attempting to Kill, in violation of 18 U.S.C. § 1512(a)(1)(C) (Count Seven); and Assault Resulting in Serious Bodily Injury in Aid of Racketeering, in violation of 18 U.S.C. § 1959(a)(3) (Count Ten). These charges stem from a double murder Hardison

committed at a residence on Main Street in Clarksville on January 6, 2012, and a murder of a rival gang member at C-Ray's Social Club in Clarksville on November 3, 2012, in which Hardison was involved. Both incidents were related to the Gangster Disciples criminal enterprise, of which Hardison was a member.

With respect to the double homicide, Hardison traveled to the residence of a Gangster Disciples associate to confront the associate about a drug debt, which the associate had sworn a GD oath to repay. Inside the residence, Hardison shot the associate twice in the head as he sat on a couch in his living room. Hardison then ran into a nearby bedroom, where he shot and killed the associate's girlfriend so that she would not report the incident to the police, and fled the scene. Hardison, who burnished his reputation with the GDs as a shooter after this incident, was thereafter placed on the GD security team in Clarksville.

With respect to the C-Ray's murder, Hardison was jumped at Sidelines, a bar in Clarksville, by members of the rival Bloods gang. After being jumped, Hardison rallied GDs to C-Ray's, a known Bloods hangout near Sidelines. Inside C-Ray's, Hardison confronted the murder victim, a member of the Bloods gang, about his gang affiliation, and began punching him. During the melee that followed, a fellow Gangster Disciple shot and killed the Bloods gang member.

Hardison's gang ties, moreover, run deep. Hardison acknowledged, through documents filed with the court in United States v. Brandon Hardison (13-cr-128), and through interviews with law enforcement, his affiliation with the Gangster Disciples. That affiliation is also literally tattooed on Hardison's face, in the form of a six-pointed star on his left cheek, and the number "7" (representing "G," the seventh letter of the alphabet) tattooed between his eyes. Hardison, in addition, appears to have maintained an Instagram account with the handle "creepmarley" (references to his alias "Creep" and to the "Marley Gang," a crew Hardison tried to start while he

was a Gangster Disciple). As reflected in Exhibit A, the profile photograph for that Instagram account is a photograph of Hardison. Posts to that account beginning in approximately June 2015—notwithstanding that Hardison was not released from prison until November 12, 2015—include a photograph of what appear to be members of the “Marley Gang,” including one member pointing a firearm at the camera; threats made by Hardison, including a threat that “bullets” were “gon fly”; a disturbing photograph of a dismembered body along with a reference to “cuttin up bodies”; a photograph of Hardison pretending to point a gun at the camera with the comment, “all my Niggas we shooters”; and a photograph of Hardison with the comment, “Got my weight up not my hate up pay um back when I’m bigga. Bitch I’m out chea! Fuck da feds! Niggas say I was snitches can’t say shit I’m my face niggas know I’m bout dat!” In addition, the quote associated with the account provides as follows: “A Don is a leader! Bitches lef me in prison they threw away they dreams! Now I’m da leader of a mad max murder team! #MarleyGang!” These posts reflect Hardison’s continued affinity for violence and are illustrative of the danger he would pose to the community if released.

II. Hardison’s Prior Criminal Contacts

In addition to maintaining affiliations with a violent street gang, Hardison also has numerous prior contacts with the criminal justice system. At age 16, Hardison was adjudicated as a juvenile for a carjacking he and a co-defendant perpetrated on Porter Road in Nashville. According to Hardison’s presentence report in 13-cr-128, Hardison and the co-defendant stole the victim’s car; led the police on a high-speed chase, as Hardison drove in excess of 70 miles per hour through residential areas and nearly struck a small child; and kicked a handgun (which had been used in a previous, unspecified incident) out of the car when they were finally apprehended.

As an adult, Hardison was convicted on February 10, 2005 of an aggravated robbery he committed on March 7, 2004. According to the above-described presentence report, Hardison was one of three men who robbed and beat up a victim at gunpoint in Nashville, and who stole the victim's phone and car. The victim also reported to police that, after getting a new phone, he began receiving threatening messages on that phone. Hardison was also convicted on February 10, 2005 of sale of a controlled substance under 0.5 grams, for selling crack cocaine to an undercover informant on April 20, 2004. And Hardison was convicted, in case number 13-cr-128, on January 21, 2014 for being a felon in possession of firearms, after images and videos were posted online in 2011 depicting Hardison holding a 9mm pistol with an extended magazine and a .357 caliber revolver. The government has attached copies of the judgment and conviction orders for Hardison's adult convictions to this memorandum as Exhibit B.

In addition to these convictions, Hardison has a record of arrests for assaultive conduct, including arrests for assault (as a juvenile in 2002) and domestic assault in 2012 and 2013.

Finally, agents arrested Hardison in connection with this case at a residence in Shelbyville to which Hardison had recently moved. Approximately five children were in the residence, which smelled strongly of marijuana, when Hardison was arrested. During a search of the residence that followed, the police found approximately two pounds of marijuana; heat-sealable bags often used for the distribution of narcotics; 19 loose rounds of 9mm ammunition; additional rounds of 9mm ammunition in a box inside the residence; and a stolen 9mm pistol loaded with ten rounds of 9mm ammunition, photographs of which are attached to this memorandum as Exhibit C. Hardison admitted on scene that the marijuana and gun belonged to him.

III. Hardison's Failures on Supervision

Hardison's federal probation officer has filed four violation reports for Hardison, citing positive drug tests for marijuana and cocaine, failure to comply with drug testing, traveling outside of the Middle District of Tennessee without permission (to confront his girlfriend's children's bus driver about his driving practices), failure to gain employment, failure to meet with his probation officer, and changing his primary residence without notifying his probation officer. He is currently scheduled for a hearing to address several of those violations on October 19, 2017.

IV. Risk of Flight

Hardison faces serious penalties if convicted of the crimes with which he is charged in this case. Indeed, as to the murder in aid of racketeering, causing death through the use of a firearm, and witness tampering counts, Hardison potentially faces capital punishment, the most serious penalty available. And on none of the remaining counts does Hardison face a maximum of anything less than 20 years' imprisonment. These potential penalties serve as powerful motivation for Hardison to flee the jurisdiction were he to be released.

V. Conclusion

For the foregoing reasons, as well as any reasons which may be set forth at a hearing on this motion, the government respectfully submits that there exists no condition or combination of conditions which would assure the safety of any person or the community, or which would ensure Hardison's appearance at his court hearings. Accordingly, the government requests that the Court order Hardison detained pending trial.

Respectfully submitted,

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Dated: July 5, 2017

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2017, I sent a copy of the foregoing via the Court's electronic filing system to Luke Evans, Esq., counsel for the defendant.

s/ Ben Schrader
BEN SCHRADER
Assistant United States Attorney